

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

DANIEL YEBOAH,

Defendant.

95 Cr. 1124 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

Daniel Yeboah, proceeding *pro se*, has filed a letter dated May 14, 2021, requesting the expungement of the record of this matter. (Dkt. #16). Federal district courts generally lack subject matter jurisdiction to expunge lawful convictions, with the exception of limited circumstances provided for by statute. *See Cicero v. United States*, No. 19 Misc. 1143 (MKB), 2021 WL 2075715, at \*1 (E.D.N.Y. May 24, 2021); *see also Doe v. United States*, 833 F.3d 192, 196-97 (2d Cir. 2016) (“None of [the relevant Rules of Criminal Procedure] remotely suggests . . . that district courts retain jurisdiction over any type of motion years after a criminal case has concluded.”). Mr. Yeboah’s letter provides no basis for the Court’s exercise of jurisdiction to expunge the record of his conviction, and the Court is aware of no such grounds.

Mr. Yeboah asserts that “[t]his is a case of entrapment.” (Dkt. #16 at 1). However, his unconditional guilty plea to a controlled substance offense operates as a waiver of all non-jurisdictional defenses, including the defense of entrapment. *See generally Parisi v. United States*, 529 F.3d 134, 138 (2d Cir. 2008). Moreover, the Court observes that Mr. Yeboah filed neither a direct appeal nor a collateral challenge to his conviction. Having elected not to

pursue in a timely fashion any of the customary means of vacating a conviction, Mr. Yeboah cannot now pursue this relief by means of an application for expungement. The Court is sympathetic to Mr. Yeboah's interest in obtaining a good job, but finds that it lacks jurisdiction to consider his application.

For this reason, the Court DENIES Mr. Yeboah's application. The Clerk of Court is directed to mail a copy of this Order to Mr. Yeboah at his address of record.

SO ORDERED.

Dated: June 4, 2021  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge